

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JASON D ALSTON

PLAINTIFF

V.

CAUSE NO. 4:16CV00236-DMB-JMV

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

DEFENDANT

ORDER

On September 14, 2017, Plaintiff filed a Motion to Strike Defendant's Sixteenth (sic) Bogus Affirmative Defenses to Plaintiff's Third Amended Complaint [73], arguing, among other things, that the sixteen affirmative defenses asserted by Defendant are "legally insufficient" and are nothing more than "bare conclusory statements." Plaintiff further asserts Defendant's affirmative defenses are legally insufficient because "they are not actual affirmative defenses and the burden of proving an affirmative defenses (sic) rests with the party asserting it." For the reasons stated in Defendant's response [74], Plaintiff's motion is denied. Furthermore, whether Defendant's affirmative defenses have any merit is not a matter to be determined at this stage of the litigation.

SO ORDERED this 3rd day of October, 2017.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE